

Abbeville Press and Banner

ABBEVILLE, S. C., WEDNESDAY, AUG. 18, 1915.

ESTABLISHED
1844

\$1.50
A YEAR.

DECISION REVERSED IN BIG LAND CASE

SUPREME COURT REVERSES THE
DECISION OF THE CIRCUIT
JUDGE

Case of Mrs. Smith Against Clinkscales

Case Heard by His Honor Frank B.
Gary, Circuit Judge of this Circuit—
Land Worth \$20 Per Acre.

The Supreme Court has reversed the judgment of the lower court in the case of Mrs. Florence S. Smith, against James F. Clinkscales, in which case the twelve hundred acres of land formerly in the possession of John T. Clinkscales under a deed from his father was the subject of litigation. About the year 1876, Albert J. Clinkscales deeded a tract of twenty-four hundred acres to his two sons, James F. and John T. "with this limitation, if either the said James F. Clinkscales or John T. Clinkscales should die leaving no issue living at the time of his death the brothers and sisters of the said James F. Clinkscales and John T. Clinkscales, who may die without issue aforesaid, shall take have and hold such lands etc." The habendum of said deed read, "To have and to hold all and singular the said premises to the said James F. Clinkscales and John T. Clinkscales respectively, and their heirs and assigns respectively, subject to the limitation over etc."

The case was heard by His Honor Frank B. Gary, the circuit judge of this circuit, who held that under the terms of the habendum above quoted James and John took a fee simple absolute in the lands, and that the attempted limitations over was not paid in a deed, though such limitations would have been valid and enforceable in a will.

The plaintiff Mrs. Smith, and the defendant, Mrs. Ellen S. Thomson appealed from this judgment contending that the estate of John was a fee defeasible, and that upon the death of John the estate was divisible according to the terms of the paper, that is to say, that James was entitled to one-third of John's share and the other two shares belong to them. The decision of the Supreme Court sustains this contention with the result that each of these ladies recovers one third of the twelve hundred acres. The land is worth about twenty dollars per acre, so that the result means something to the litigants.

Mrs. Smith was represented in the litigation by McCullough, Martin & Blythe, of Greenville, and Mrs. Thomson by Wm. P. Greene. Mess. Cottrhan, Dean & Cottrhan, of Greenville, M. P. DeBruhl and J. Fraser Lyon, of Columbia, and J. Frank Clinkscales, of Abbeville, were attorneys for James F. Clinkscales.

The main opinion in the case was written by Associate Justice Hydrick and concurred in by Justices Gage and Watts. Chief Justice Eugene B. Gary filed a dissenting opinion sustaining the circuit judge. Justice Fraser filed a separate opinion concurring in the decree of the circuit judge on one point, but sustaining the contention of the appellants on another point in the case.

BLEASE ATTACKS WAR POLICIES OF WILSON.

Columbia, Aug. 16.—Former Governor Cole L. Blease, touring South Carolina in what is thought to be the beginning of a campaign for a third term as Chief Executive, is attacking president Woodrow Wilson and his administration, which Blease terms un-Democratic and subservient to British interests.

In a speech in Greenville County, which is typical of those he is delivering in other sections of South Carolina, Blease declared that the financial depression in the South is not because the farmer is planting too much cotton, but because of the "do-nothingness of the President and the so-called Democratic Congress at Washington." Continuing in this vein, the former Governor said:

"You've got no Democratic President. If you had, instead of his actions being controlled by English capital he would say to England, 'You've got to let our commerce alone; you've got to let our cotton and our provisions consigned to neutral countries go through. If you don't, we'll make you.'"

Blease advocates the calling of an extra session of Congress and the putting of an embargo on all munitions and provisions for either the Triple or Entente allies, and also to prohibit the manufacture of arms and ammunition for them in this country, the United States to buy all surplus fighting equipment.

FIRST SOUTH CAROLINA BALE.

Charleston, S. C., August 11.—South Carolina's first bale of new cotton arrived here today from Barnwell, where it was bought by a representative of a local cotton firm for 15 cents a pound. The bale weighs 340 pounds, and is classed as good middling. It was grown by John Owens.

HEAVY GALE SWEEPS THE GULF COAST

GALVESTON SEA WALL PROTECTING THE CITY—MANY
PEOPLE FLEEING

Brownsville, Texas, Aug. 16.—The army wireless station here received a report from the transport Buford at Galveston tonight that water had risen ten feet and that several vessels had been overturned.

Dallas, Texas, Aug. 16.—The full effect of the West Indian hurricane which passed through the Yucatan channel yesterday was felt along the Texas gulf coast late today and tonight, the wind reaching a velocity of 70 miles an hour. Up to a late hour no loss of life or serious damage to property or shipping had been reported.

Galveston reported the sea wall was withstanding the force of the wind lashed waters and with the exception of minor damage as the result of the flooding of the streets on the bay side of the city, the property loss was negligible up to 11 o'clock. The majority of the "residents" at Sabine and Sabine Pass as well as the numerous summer camps and resorts along the coast moved to places of safety last night and early today. At Galveston residents along the beach abandoned their homes and spent the night in more secure buildings in the business districts.

The towns of Rolio River, Caplan and Boliver were reported under water. All of these towns were deserted last night.

Late tonight a newspaper correspondent attempted to go from Port Arthur to Sabine in an automobile but was forced to abandon the trip.

"The wind would have blown our machine away if we had continued the trip," he declared. Efforts to charter a boat to reach Sabine were futile, sailors refusing to make the trip.

Wire communications with Galveston, which was maintained from Houston early tonight, was cut off at 10 o'clock when the last of the wires between the two cities failed. Later reports received by wireless at Brownsville from the United States transport Buford in Galveston has reported several vessels overturned by the storm. A ten-foot tide was reported.

Efforts to communicate with the Texas City army headquarters across the bay from Galveston tonight were futile.

Communication with Beaumont, Texas, also was cut off shortly after 10 o'clock and it was believed by the weather observer at Houston that the hurricane had left the gulf and had struck the mainland between that city and Galveston.

A train was started from Houston over the Southern Pacific railway tonight in an effort to reach Galveston. At last reports the causeway between Galveston and the mainland was intact and it was believed that the train would be able to cross early in the morning.

SENTENCE COMMUTED.

Joe Malloy, a negro of Marlboro county, convicted of the murder of Prentiss Moore and Guy Rogers, two young white boys, and sentenced to be electrocuted on August 18th, has been reprieved by Governor Manning until September 29th. The reprieve is stated to be granted for the reason that sensational affidavits have been filed with the Governor alleging that the two boys were killed by white men who have since left the county. The Governor wishes a full investigation of the charges, and has referred the matter of Solicitor Spears.

Prentiss Moore and Guy Rogers, two white boys, left their homes in Bennettsville on Thanksgiving day, 1910, to go hunting. On the Saturday following their bodies were found in a ditch not far from the home of Joe Malloy, Prentiss Moore having been killed by a gunshot wound in the back near the shoulder blade, while Guy Rogers was murdered by a solid mass of shot tearing into his left breast. Several days were consumed by an investigation before the coroner, and afterwards, a negro detective was employed. Later Joe Malloy was arrested, charged with the murder of the two youths.

A great many people in Marlboro county are not satisfied that Malloy is guilty, a great many believe him innocent, which he stoutly maintains.

SWISS BUY OUR SUGAR.

New York, Aug. 11.—It was announced here today that for the first time in the history of the sugar trade Switzerland has purchased sugar from the United States. Its initial order is 1,000 tons of granulated. Hitherto Switzerland has secured sugar from Germany and Austria.

NO LONGER NECESSARY.

London, Aug. 13.—Announcement that Germany now is able to dispense with cotton in the manufacture of military supplies is made by The Frankfurter Zeitung, as quoted by Reuter's correspondent at Amsterdam. This newspaper asserts that the designation of cotton as contraband of war would not solve Anglo-American difficulties.

GOVERNOR MANNING HERE LAST WEEK

VISITS LETHE SCHOOL AND
MAKES ADDRESS TO THE
PEOPLE

Would Enlarge School for the Poor

Movement on Foot to Secure Appropriation for Education of Poor Children of Abbeville District.

Governor Richard I. Manning came up from Columbia Wednesday evening, and Senator Allen Johnstone, from Newberry. They spent the night in Abbeville, and on Thursday attended the picnic at Lethe, and while there inspected the magnificent estate left by the late Dr. John De La Howe for the support and education of the poor children of Abbeville District.

Just now a movement is on foot to get an appropriation from the state in order to enlarge the work now done at Lethe. It is believed by the trustees that, if the school were opened to a certain number of poor children from each of the counties of the state, and kept open for twenty-four of these children from Abbeville District, according to the plan of the testator, a great work might be done. With this end in view the Governor and a delegation from the Senate and House were asked to come to the school and look over the situation. The delegation present, consisting of the Governor, Senator Johnstone, and Representative Durst, of Greenwood were shown over the whole estate by Rev. Mr. Blakely and the Abbeville law-makers. They were impressed with the value of the estate and some good may come from the visit. Some plan should be worked out for getting more out of this magnificent gift to the poor children of Abbeville county than has been gotten out of it in recent years.

In addition to looking over the farm these gentlemen greatly enjoyed the day spent at Lethe. Some fifteen hundred people, consisting of old men and young men, old ladies, good-looking young ladies, boys, girls, and babies, assembled on that morning for a day of pleasure, and a day of pleasure it was. We heard a great many old men say that it was the first opportunity they had ever had of seeing a "live Governor." Governor Manning, Senator Johnstone, and Superintendent of Education Swearingen, who arrived during the day, made excellent addresses to the people assembled. The people were greatly pleased with the Governor, and he with them.

At about 2 o'clock a fine hash and picnic dinner was served on the shaded grounds in front of the school building. Everyone got a good dinner and enjoyed it. On the grounds some of the young men of the neighborhood operated a soft-drink stand, where drinks of lemonade, coca-cola, etc., and ice-cream were served. The stand was run in up-to-date fashion by a polite set of young gentlemen who treated everyone with consideration.

The people of this section are a remarkably good people. They all live in fellowship and brotherly love. They all want to improve the opportunities for the young and they are united in any movement which promises something along this line in their community. They love Lethe and revere the memory of the considerate patriot who gave so generously to them and the county. The young gentlemen are handsome and gallant; the young ladies beautiful and modest. It is a community where you may go if you wish to feel at home while being treated as one of the guests of the occasion. There was no sign of strong drink in the crowd; not a thing happened to mar a day of pleasure. The people of Abbeville who attended will welcome another opportunity to visit the farm of the generous benefactor of the poor children of Abbeville District.

RUSSIA A GREAT MISER HOARDS MASS OF GOLD

Petrograd, July 31.—The largest hoard of gold in the world is that held in the vaults of the Russian state bank, amounting now to about \$850,000,000. Yet a visitor may travel from one end of the Russian Empire to the other and not see enough gold coin to buy a pair of shoes. Paper currency is used universally.

The check system as it prevails in the United States and England is practically unknown in Russia. Although the larger cities have many fine banks, the ordinary provincial business man distrusts banks, and there are hundreds of thousands of prosperous Russians who have never had a banking account in their lives. Their working capital is represented by paper currency of big denomination which they carry in a leather bag suspended by a thing around their neck. In Russia the visitor may meet shaggy men whose dress and appearance suggests the artisan class, who are carrying with them constantly from five to ten thousand dollars in currency.

SENATOR E. D. SMITH SPEAKS TO FARMERS

DELIVERS STRONG ADDRESS AT
FARMERS' UNION PICNIC
AT LEXINGTON

Urges Citizens to Stand by President

Tells of Cotton Trade and of Plan He Has Under Consideration and Discussion with President

In his speech, at the Farmers' Union picnic, on last Saturday, the Junior United States senator from South Carolina, delivered one of the strongest addresses heard in the county for many years. Senator Smith, always entertaining and eloquent in his utterances, was never more so than on this occasion. In language chaste, at times classic, he most vividly portrayed the present day conditions which confront this agricultural class of population.

In his usual vigorous manner he outlines the fact that the vast material discoveries of intellect and genius today had placed us in a sphere where knowledge counted for all worth while in life; that the power to know transcended every other acquirement; and that the progress of the agricultural masses of today and tomorrow is and would be dependent upon this manner in which they exercised this capacity. He showed that the ills suffered by the agriculturists of today were the direct results of the lack of the application of knowledge which was within the power of all to attain. In vivid and telling language he cited illustration after illustration to prove the points he made and in a burst of genuine eloquence declared that democracy in the fullest meaning was nothing more or less than the development to the fullest fruition, through knowledge, of the hopes, aspirations and possibilities of the individual.

"The duty of every true democrat today," said the senator in discussing the European situation, "and I do not speak in a partisan or biased sense, the obligation incumbent upon every true American, is to stand by the national administration in its efforts equitably and justly to solve the international problems serious in their nature and of necessity far-reaching in their effects, which confront us in this crisis of our history." He declared in emphatic terms that it would be better for the American nation to avoid war, if this could be done with honor and integrity, than it would be to needlessly sacrifice hundreds and hundreds of the lives of this country. The injunction of President Washington, to avoid entangling alliances with foreign nations was as sound a doctrine today as in the earlier days of the republic, and the speaker showed how if the United States were forced into this European trouble, and thereby become a party to any treaties that might result, this country in future years would be responsible for their proper enforcement whether or not it should be a direct party to the issue in question.

He discussed the cotton trade situation which he has had under consideration and discussion with the president of the United States and the secretary of state.

"Let us," continued the senator in this connection, "first settle the vexed international problems which confront us as a nation, far more serious to you and me, can be dealt with equitably and justness." He pleaded for thoughtful consideration of all of these problems at the hands of every individual; that the American people should not be hasty in their judgment or action; and declared that he had faith in that administration which had led us in peace to this good day to take care of our American interests, both nationally and commercially, in the future. "At the ensuing session of congress," said Senator Smith, "whether in special or regular session, I shall continue the fight that I have always made the one and only political platform that I have ever enunciated. That masses of the people who produce the wealth of the nation, shall enjoy the benefits of the wealth they produce."

In an emphatic manner he declared it to be the duty of the next congress to see to the fact that the cotton futures bill, which he championed and which he has fought, and which is the only bill which has ever passed the senate of the United States, curtailing illegitimate speculation in cotton, should be carried out in the full text of its intent and meaning. He discussed at length the financial system and suggested certain changes which he had to offer in the way of making the circulating medium of the country, more available to the farming classes. He recited his work in the senate in reference to section 13 of the present banking and currency law, and discussed certain amendments which were needed with reference to the rate discount.

Senator Smith is a strong favorite in Lexington county and his masterful address Saturday goes far to

(Continued from page five.)

VARYING REPORTS AS TO THE WAR

COTTON DECLARATION AND BAL
KAN SITUATION PROMI-
NENTLY TO THE FORE

The political side of the war for the moment has risen to the fore through the announcement that the quadruple entente allies intend to declare cotton contraband and that the party of the former Greek premier, M. Venizelos, whose cabinet resigned last March when King Constantine disapproved of his policy in favor of the entente allies, again is in favor. For weeks there has been a campaign in Great Britain to put cotton on the contraband list and at last France, Italy and Belgium have agreed to take the desired step. The declaration of the staple as contraband will, it is said, be defended on the ground that it is authorized by international law.

The newly elected Greek parliament has convened and chosen by a big majority for its presiding officer M. Zavitzanos, an adherent of M. Venizelos. The cabinet of M. Gournaris has resigned. The correspondent in Athens of a Berlin newspaper asserts that Venizelos still believes that the interests of Greece lie on the side of the entente allies, but that it is not yet time for her to join them actively.

Of the fighting in the East Petrograd again asserts that the Russians in Courland have driven back the Germans and also repulsed German offensive movements. To the south and southeast in Poland, however, reports of the Teutonic allies indicate that their forces almost everywhere are pushing the Russians back.

An Austrian seaplane has attacked the coast forts of Venice and despite an attack by Italian airmen reached its base in safety.

A German submarine has fired shells into the English towns of Parton, Harrington, and Whitehaven. No casualties, it is said, resulted from the attack, but some material damage was done.

SENATOR McLAURIN SPEAKS TO-DAY.

Hon. John L. McLaurin, Warehouse Commissioner of South Carolina, formerly United States Senator from this State, will address the people of Abbeville County this morning at 11 o'clock, in accordance with a previous announcement in this paper.

Senator McLaurin is one of the most gifted men in the state, he is an accomplished speaker, and a man who studies his subject and always has something to say that is worth while. He is greatly interested just now in the warehouse situation, and in the marketing of this year's crop. He has some ideas along this line which will interest you. You may not agree with him after you have heard him, but you will hear him with interest, nevertheless.

We trust that the people of the county and especially the people of the city will turn out and give him an audience as evidence of the interest which should be manifested in his subject.

LEO M. FRANK IS LYNCHED BY A MOB

According to reports reaching here Tuesday, Leo M. Frank, was taken from the Georgia Prison, in Milledgeville, by a mob Monday night. About seventy-five men quietly appeared on the scene, over-powered the guards, and took Frank from the prison by force. It is not definitely known whether the mob was composed of friends of Frank, or persons bent on taking his life. It is believed that the latter are responsible.

Frank was convicted of the murder of Mary Phagan, a sixteen year old girl, in his employ, in the National Pencil Factory, Atlanta, Ga. She went to the office of Frank on a holiday to secure her pay. She was not thereafter seen alive. Her body was found in the basement of the building, where it had evidently been carried from an upper floor. Jim Conley, a negro in the employ of Frank, some two weeks after the murder, charged Frank with the crime. This testimony with a number of incriminating facts, was sufficient to satisfy a jury of Frank's guilt, and he was sentenced to be hanged. After fruitless fights before the Superior and Supreme Courts of Georgia, and the United States Supreme Court, in which a new trial was sought, Frank had his sentence commuted by Governor John M. Slaton, to life imprisonment.

Since he was carried to the state farm, he received an ugly cut about the neck from a knife in the hands of a fellow convict, believed to be insane. Feeling ran high against Frank since the day on which he was arrested, and the people of Georgia have constantly demanded his life. Governor Slaton was hooted and jeered by a mob in Atlanta, succeeding the commutation of the sentence, his home was attacked, and it was believed in some quarters that his life was actually in danger. This feeling has not subsided and it is believed that the taking of Frank is the outcome of the belief in the minds of most Georgians that Frank is guilty and should die.

Latest reports are to the effect that Frank was lynched, and that his body has been found three miles from Eatonton.

BLAME FIXED FOR EASTLAND HORROR

OFFICERS OF OWNING COM-
PANY AND OF VESSEL ARE
INDICTED.

Cause of Disaster Due to Instability

Which Arose From One Or More
Of Three Conditions Named—
2,500 Passengers On Board.

Chicago, Aug. 11.—Indictments charging manslaughter and criminal carelessness were returned in the criminal court today in connection with the Eastland disaster.

The captain and engineer and four officers of the St. Joseph Chicago Steamship Company, owners of the boat, are named as follows:

George T. Arnold, president.
William H. Hull, vice president and general manager.
W. C. Steele, secretary-treasurer.
Ray W. Davis, assistant secretary-treasurer.

Harry Pedersen, captain of the Eastland.

Joseph M. Erickson, engineer. Bonds were fixed at \$20,000 each for officials and \$10,000 each for Pedersen and Erickson. The two last named are charged with criminal carelessness and the officials with manslaughter.

Bill Against Officers.

The bill against the officers charged:

That they knew the Eastland was unseaworthy and had no stability.

That they permitted 2,500 passengers aboard the vessel which is more than its carrying capacity.

That they were negligent in hiring an incompetent engineer, who, because of his lack of skill, was unable to control the boat properly.

That the crew did not number enough hands to manage and control the Eastland properly.

That the ballast tanks were allowed to be out of repair and were not filled.

Charges Against Captain.

Against Captain Pedersen these charges were brought:

That he permitted aboard the boat a larger number of passengers than she could safely carry.

That he neglected to warn the passengers to leave the Eastland when it became apparent to him that she was about to overturn.

That he was negligent in not seeing that the ballast tanks were in repair and were properly filled.

That he was negligent in not seeing that the chalk-holes and gangways were closed when the ship was loaded.

Counts against Erickson are similar.

Cause of Disaster.

The report of the grand jury finds that the disaster was caused by instability under conditions of loading and states that the instability was due to "one of three main causes, or any two, or all of them," as follows:

The overloading of the vessel with passengers.

The mishandling of water ballast.

The construction of the vessel.

The report says that Eastland began loading passengers without water ballast efforts to fill the tanks failed.

"That the instability of the boat was not corrected years before, we regard as indicating criminal carelessness or incompetency on the part of all persons connected with the design, construction, control, operation and inspection of the boat" says the report. It points out that federal inspectors had the right to refuse a permit to the boat, but that they are generally not trained men and failed to make stability tests.

Lack of Understanding.

"The handling of the ballast by the officers of the boat indicates an entire lack of understanding of the nature and proper uses of water ballast and an absolute disregard of safety after repeated warnings and frequent indications of extreme instability" continues the report.

The jury recommends that expert federal approval be required for the construction of steam vessels and constant inspection and supervision.

BLAME UNITED STATES FOR LONG WAR.

Chicago, Aug. 15.—Peace and the freedom of the seas for the United States and the shutting off of munitions of war from America to other countries will be the keynote of the national peace convention when it meets in Chicago September 5 and 6. Continuation of the war will be blamed on the freedom with which arms have been shipped from this country.

It will be decided that it is now in the power of the United States to end hostilities in Europe by a munitions embargo and the administration will be urged to act.

These points were decided upon at a preliminary conference held here by 40 persons presided over by Dr. J. J. Tobias, of Chicago, with Dr. G. L. Hagenberger, of Boston, as secretary. Miss Ray Beveridge was one of the speakers.